

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:13-cv-318**

**TOWN OF TRYON, CITY OF SALUDA**     )  
**and TOWN OF COLUMBUS,**             )  
    )  
    )  
    )  
**Plaintiffs,**                                     )  
    )  
**vs.**   )  
    )  
**JOEL E. WOOD & ASSOCIATES, L.L.C.,**     )  
    )  
    )  
**Defendant.**                                    )  
    )  
    )

---

**ORDER**

**THIS MATTER** is before the Court *sua sponte* to ascertain subject matter jurisdiction. The Defendant removed this action from state court based upon diversity jurisdiction (#1). In the Notice of Removal, the Defendant Joel E. Wood & Associates, L.L.C. alleges it is a limited liability corporation organized under the laws of the state of South Carolina with its principal place of business in South Carolina.

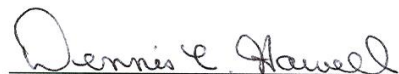
Courts have an affirmative duty to question subject matter jurisdiction even when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4<sup>th</sup> Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997), *certiorari denied* 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28

U.S.C. §1447(c)(“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”). A limited liability company is a citizen of all states in which its constituent members are citizens. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). The Defendant has not disclosed in its Notice of Removal whether it has constituent members or partners and therefore will be required to do so.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that on or before **March 1, 2014**, the Defendant shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of the above referenced LLC and for any such constituent members or partners that is a limited liability company or partnership to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: January 30, 2014



Dennis L. Howell  
United States Magistrate Judge

